

**UNITED STATE BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	
Michelle E. Anderson)	
)	Chapter 13
Debtor)	
)	14-44709-659
Santander Bank, N.A.)	
)	Hearing Date
Creditor)	June 22, 2015
)	10:00 a.m.
)	Courtroom 7 North

MOTION TO SET ASIDE ORDER GRANTING RELIEF FROM STAY

Now come the Debtor, Michelle Anderson, through their attorney, Doug Heagler, and presents this Motion to Set Aside Order Granting Relief from Stay, and in support thereof state as follows:

1. That on June 10, 2014, Debtor filed a petition for relief under Chapter 13 of the U.S. Bankruptcy Code.
2. That on April 7, 2015, Santander, (hereafter creditor) filed a motion for relief of stay. Santander holds both the first and the second mortgage on the property. The basis for relief was a default in payments on the First Mortgage.
3. At the same time as this motion for relief was pending, Santander also ahd a motion for relief pending regarding the second mortgage.
4. No response was filed to the motion and a default order granting relief of stay to Santander was entered on April 30, 2015.
5. Counsel for the debtor made an error and mistakenly believed that that this moiton by Santander regarding the first mortgaeg was resolved, when only the motion by Santander regarding the second mortgage was resolved.

6. Counsel spoke with Debtor and Debtor has provided four (4) regular mortgage payment to resolve this motion. Additionally, a mortgage payment was directly made on May 1, 2015. So that Debtor should only be 3 payments behind on the first mortgage.
7. On information and belief, Debtor has also cured the full delinquency on the second mortgage, except for attorney fees and costs.
8. In this circumstance, with confusion over two separate motions pending, it is excusable neglect that a response to the motion for relief was not filed.

Wherefore, debtor requests that the court enter an order :

A. Setting aside the Stay Lift Order of April 30, 2015 or set the matter for hearing.

Respectfully Submitted,

/s/ Douglas M. Heagler
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I served a copy of this Notice along with the attached Document(s) upon the parties listed on the service list, by causing the same to be mailed in a properly addressed envelope, postage prepaid or by electronic delivery, on or before May 22, 2015.

John V. LaBarge, Jr.
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